

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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n.n.  
12/13/02

In re Application of:

Applicant : Dang et al.  
Serial No. : 09/935,322  
Filed : August 22, 2001  
Title : ANTITUSSIVE / EXPECTORANT  
COMPOSITIONS  
Examiner : Sharmila S. Gollamudi  
Art Unit : 1616  
Attorney Docket No. : 452005-13

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COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

November 21, 2002

SUPPLEMENTAL STATEMENT  
PURSUANT TO 37 C.F.R. §1.56(a)

Dear Sir:

In compliance with the duty imposed by 37 C.F.R. §1.56(a), Applicant(s) hereby disclose the following facts which are believed to be material to the patentability of the above-identified application:

1. A suspension product called "Tussi-12" (original) containing carbetapentane tannate, 30 mg.; chlorpheniramine tannate, 4 mg.; and phenylephrine tannate 5 mg., has been on-sale in the United States for more than one year prior to the filing date of this application.,

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2. A tablet product called "Tussi-12" (original) containing carbetapentane tannate, 60 mg.; chlorpheniramine tannate, 5 mg.; and phenylephrine tannate, 10 mg., has been on-sale in the United States for more than one year prior to the filing date of this application.,

3. A suspension product called "Ricotuss Sus" containing carbetapentane tannate, 30 mg.; chlorpheniramine tannate, 4 mg.; and phenylephrine tannate 5 mg., has been on-sale in the United States for more than one year prior to the filing date of this application.,

4. A suspension product called "Ricotuss Sus 10-8-60" containing carbetapentane tannate, 60 mg.; chlorpheniramine tannate, 8 mg.; and phenylephrine tannate, 10 mg., has been on-sale in the United States for more than one year prior to the filing date of this application., and

5. A tablet product called "Ricotuss Tab" containing carbetapentane tannate, 60 mg.; chlorpheniramine tannate, 5 mg.; and phenylephrine tannate, 10 mg., has been on-sale in the United States for more than one year prior to the filing date of this application.

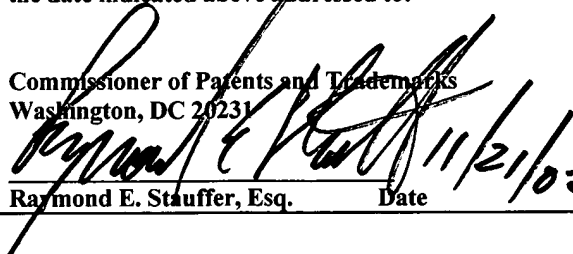
Serial No: 09/935,322  
Filed: August 22, 2001

**CERTIFICATE OF MAILING**

Deposit Date: November 21, 2002

I hereby certify that this paper and the attachments hereto are being deposited today with the U.S. Postal Service with sufficient postage as First Class Mail to Addressee, under 37 CFR 1.8, on the date indicated above addressed to:

Commissioner of Patents and Trademarks  
Washington, DC 20231

  
Raymond E. Stauffer, Esq.

11/21/02  
Date

Respectfully submitted,

  
Raymond E. Stauffer, Esq.

Reg. No. 47,109

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#161532 v1



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November 21, 2002

STATEMENT PURSUANT TO 37 C.F.R. §1.56(a)

Dear Sir:

In compliance with the duty imposed by 37 C.F.R. §1.56(a), Applicant(s) hereby disclose that the following co-pending applications share commonality of ownership with the above-identified application:

U.S.S.N.	09/209,618	filed	12/11/98
U.S.S.N.	09/727,042	filed	11/30/00
U.S.S.N.	09/772,091	filed	01/26/01
U.S.S.N.	10/035,976	filed	10/26/01

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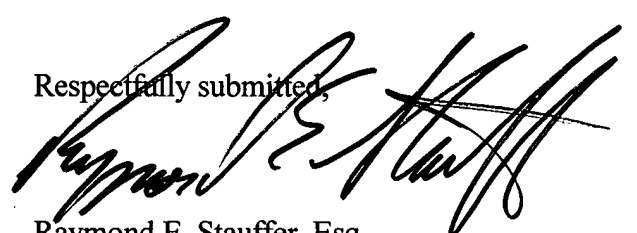
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Commissioner of Patents and Trademarks  
Washington, DC 20535

  
Raymond E. Stauffer, Esq.

11/21/02  
Date

Respectfully submitted,

  
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November 21, 2002

SIR:

Pursuant to 37 C.F.R. §1.56(a), Applicant(s) hereby cite(s) the enclosed documents listed on the attached copy of Form PTO-1449 which may be material to the patentability of the above-identified application.

This Information Disclosure Statement is filed in accordance with the paragraph of 37 CFR §1.97 indicated below:

     §1.97(b) This Information Disclosure Statement is filed:

- (1) Within three months of the filing date of a national application; OR
- (2) Within three months of the date of entry of the national stage of an international application; OR
- (3) Before the mailing of a first Office Action on the merits.  
No fee or statement is required.

  X   §1.97(c) This Information Disclosure Statement is filed after the period specified in paragraph (b) above, but before the mailing date of either:

- (1) A Final Action or under 37 CFR §1.113; OR

(2) A Notice of Allowance under 37 CFR §1.311; AND

is accompanied by either: (check one)

\_\_\_\_\_ The statement as specified in 37 CFR §1.97(e) set out below;

OR

X The fee of \$180.00 under 37 CFR §1.17(p).

\_\_\_\_§1.97(d) This Information Disclosure Statement is filed after the mailing date of either:

(1) a Final Action or under 37 CFR §1.113; OR

(2) A Notice of Allowance under 37 CFR §1.311;

BUT filed on or before payment of the Issue Fee; AND

is accompanied by:

(1) The statement as specified in 37 CFR §1.97(e) as set forth below; AND

\_\_\_\_\_ The fee of \$180.00 under 37 CFR §1.17(p).

\_\_\_\_§1.97(e) The undersigned Attorney hereby states that:

\_\_\_\_\_ each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing date of this Information Disclosure Statement;

or

\_\_\_\_\_ no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, or to the knowledge of the undersigned Attorney after making reasonable inquiry, was known to any individual designated in 37 CFR §1.56(c) more than three months prior to the filing date of the Information Disclosure Statement.

The Commissioner is authorized to charge payment of any fees associated with this communication or credit any overpayment to Deposit Account No. 03-0678.

Serial No: 09/935,322  
Filed: August 22, 2001

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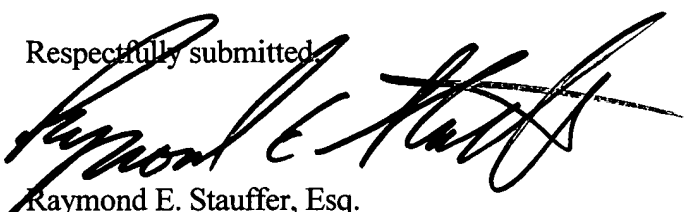
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Raymond E. Stauffer, Esq.      Date 11/21/02

Respectfully submitted,

  
Raymond E. Stauffer, Esq.

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